

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§	
PETITION OF CLAUDIA	§	No. 23, 2012
WILTBANK JOHNSON FOR A	§	
WRIT OF PROHIBITION.	§	C.A. No. 2170-MA

Submitted: February 9, 2012

Decided: March 28, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

O R D E R

This 28th day of March 2012, it appears to the Court that:

(1) The petitioner seeks the issuance of a writ of prohibition, claiming that the Court of Chancery lacks subject matter jurisdiction over a partition action.¹ In her answer and motion to dismiss, the respondent contends that the petitioner has failed to demonstrate on the record, by clear and convincing evidence, that the Court of Chancery lacks jurisdiction over the matter.

(2) The Court has the authority to issue a writ of prohibition to prevent the Court of Chancery from exceeding the limits of its jurisdiction.²

In this case, however, the petitioner offers no basis upon which to question

¹ The Court has not considered the petitioner's submissions filed on March 13 and 21, 2012. *See* Del. Supr. Ct. R. 43(b)(ii) (providing that no further submissions of the parties shall be accepted unless the Court otherwise directs).

² *See* Del. Const. art. IV, § 11(5) (establishing Court's original jurisdiction to issue writs of prohibition, quo warranto, certiorari and mandamus). *In re Hovey*, 545 A.2d 626, 628 (Del. 1988).

the Court of Chancery's jurisdiction over the underlying partition action.³

For that reason, the petition must be dismissed.

NOW, THEREFORE, IT IS ORDERED, that the motion to dismiss is GRANTED. The petition for a writ of prohibition is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

³ See generally Del. Code Ann. tit. 25, § 721 (2009) (governing petitions for partition brought in Court of Chancery). “Partition is a well settled remedy exclusively within the jurisdiction of the Court of Chancery.” *In re Marta*, 672 A.2d 984, 987 (Del. 1996).